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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12
13
14 MARC COHODES,

15 Plaintiff,

16 v.

17 UNITED STATES DEPARTMENT OF
JUSTICE, FEDERAL BUREAU OF
18 INVESTIGATION, EXECUTIVE
OFFICE FOR UNITED STATES
19 ATTORNEYS, and CRIMINAL DIVISION OF
20 UNITED STATES DEPARTMENT OF
JUSTICE

21 Defendants.

) CASE NO. 20-cv-04015-SBA

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)

) **STIPULATION AND [PROPOSED] ORDER**
) **CONTINUING CASE MANAGEMENT**
) **CONFERENCE**

) **Date:** February 25, 2021

) **Time:** 2:30 p.m.

) **Courtroom:** via telephone conference

1 Defendants United States Department of Justice, Federal Bureau of Investigation (“FBI”), and
2 Executive Office for United States Attorneys (“EOUSA”), and the United States Department of Justice’s
3 Criminal Division (“Criminal Division”) (collectively, “Federal Defendants”), and Plaintiff Marc
4 Cohodes, by and through their counsel, hereby stipulate to continue the February 25, 2021 Case
5 Management Conference to Thursday April 29, 2021 or to May 5 or 6, 2021, subject to the Court’s
6 approval and for the reasons set forth below.

7 The FBI has previously determined that it could process the approximately 900 pages of records
8 it has found by making a release on January 25, 2021 and a second release in February 2021. Due to the
9 COVID-19 pandemic, the FBI had to reduce staffing in its FOIA processing office by 50%. As a result,
10 the FBI was able to process approximately 250 pages and made a release on January 25, 2021. The FBI
11 anticipates making another release of approximately 250 pages on February 25, 2021, and another
12 approximately 250 pages on March 25, 2021. The FBI anticipates that it would make a final release of
13 any remaining pages on April 26, 2021. It is possible that the schedule could be accelerated if the FBI’s
14 FOIA processing office were able to fully reopen, something that is presumably dependent on the status
15 of the COVID 19 pandemic and vaccine distribution, matters outside of the FBI’s control.

16 In addition, the FBI, EOUSA, and the Criminal Division prepared search descriptions that were
17 provided to Plaintiff’s counsel as a confidential settlement communication. Counsel for Federal
18 Defendants has also indicated that he is willing to consider Plaintiff’s comments and questions regarding
19 redactions and withheld pages in the FBI’s release of records.

20 In light of these developments, the parties do not believe it would be a good use of the parties or
21 the Court’s resources to have a Case Management Conference on February 25, 2021. Rather, the parties
22 request that the Court continue the conference to April 26, 2021 or to May 5 or 6, 2021. The parties will
23 continue to work to see if any aspects of this case can be resolved.

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1 Respectfully submitted,

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3 Dated: February 12, 2021

DAVID L. ANDERSON
United States Attorney

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5 Michael T. Pyle*

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7 Michael Pyle
8 Assistant United States Attorney
9 Counsel for Defendants United States Department of Justice, FBI,
10 Executive Office for United States Attorneys, and Criminal
11 Division

12 *I certify that Plaintiff's counsel authorized me to file this stipulation.

13 Respectfully submitted,

14 Dated: February 12, 2021

THE NORTON LAW FIRM PC

15 George C. Harris

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17 George C. Harris
Counsel for Plaintiff Marc Cohodes

18 **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:**

19 The Case Management Conference scheduled for February 25, 2021 at 2:30 p.m. is continued to
20 [April 29, 2021, May 5, 2021, May 6, 2021] at _____.

21 **IT IS SO ORDERED.**

22
23 Dated: _____

24 Hon. Saundra Brown Armstrong
25 United States District Judge